

## UNITED STATES BANKRUPTCY COURT

## NORTHERN DISTRICT OF ILLINOIS

## Eastern Division

In Re: ) Case Number: 18-18026

)

Kamal N Modi ) Chapter: 13

)

Honorable Janet S. Baer

)

Kane

Debtor(s) )

**AGREED DEFAULT ORDER**

THIS CAUSE coming on to be heard upon the Motion for Relief from Automatic Stay and Co-Debtor Stay filed by loanDepot.com, LLC (the "Movant"), a secured creditor or servicing agent for a secured creditor holding a lien on property of the Debtor and Co-Debtor Niki Modi commonly known as 477 Woodhollow Ln, Bartlett, Illinois 60103 (the "Property"), due notice having been given to all parties entitled thereto, and the Court having jurisdiction and being fully advised in the premises:

**IT IS HEREBY ORDERED THAT:**

1. The current post-petition arrearage through April 30, 2020 is \$2,923.80. The arrears include:

\$1,031.00 attorney fees and costs;

1 (October 2019) payment @ \$2,086.16 = \$2,086.16;

6 (November 2019 to April 2020) payments @ \$2,141.62 = \$12,849.72;

Less funds in Debtor's suspense account in the approximate amount of \$1,043.08; and

Less funds received from Debtor on or about March 25, 2020 in the amount of \$12,000.00.

2. In addition to making the regular post-petition payments timely, the Debtor shall cure the remaining arrears of \$2,923.80 by making the following monthly payments directly to loanDepot.com, LLC:

\$487.30 on or before May 15, 2020;

\$487.30 on or before June 15, 2020;

\$487.30 on or before July 15, 2020;

\$487.30 on or before August 15, 2020;

\$487.30 on or before September 15, 2020; and

\$487.30 on or before October 15, 2020.

3. If the Debtor fails to timely pay two or more (i) regular monthly payments, increased or decreased as necessary to reflect changes in variable interest rates, escrow requirements, collection costs, or similar matters; (ii) plan payments to the chapter 13 trustee; (iii) payments for property insurance and/or general real estate taxes; or (iv) the Debtor fails to cure the arrears pursuant to paragraph 2 above, then the Debtor shall be deemed to be in default. Upon the Movant's notice of the default to the Debtor, Co-Debtor, and the Debtor's attorney, the Debtor shall have fourteen (14) days from the date that the Notice of Default is filed to cure the default. If the default is not cured within fourteen (14) days from the date that the Notice of Default is filed, the automatic stay and co-debtor stay shall be modified as to the Property upon the Movant's filing of a Notice of Modification with the

Court. The filing of a Notice of Modification shall have the legal effect of modifying the automatic stay and co-debtor stay without further order of the Court.

4. The Debtor may avail himself of the cure provision set forth in paragraph 2 or 3 above a total of two (2) times. In the event of a third default, the Movant may file a Notice of Modification with the Court, and the automatic stay and co-debtor stay will automatically modify without further order as the Debtor will no longer have the right to cure thereunder.

5. The proof of claim filed by the Movant shall stand unaffected and payments made thereunder shall be paid to the Movant until a Notice of Default and Notice of Modification are filed with the Bankruptcy Court.

6. If the Debtor's bankruptcy case is dismissed or converted to another chapter, this agreed repayment order shall be void.

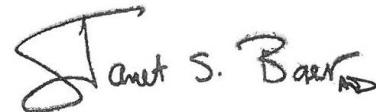
7. In the event that Heavner, Beyers & Mihlar, LLC should have to send out any Notices of Default, the Debtor shall pay \$50.00 per notice, as additional attorneys' fees, in addition to whatever funds are needed to cure the default and that said additional funds must be tendered prior to the expiration of the cure period as set forth in the Notice.

AGREED:

loanDepot.com, LLC  
/s/ Cheryl Considine  
Cheryl Considine  
one of its attorneys

Kamal N Modi  
/s/ David H. Cutler  
David H. Cutler, his/her attorney

Enter:



Honorable Janet S. Baer  
United States Bankruptcy Judge

Dated: April 15, 2020

**Prepared by:**

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